

you know that, you had better send the right signals to your government, because if you tell them you want the death penalty, you'll get it. If you tell them you want tax cuts, you'll get it. If you tell them to take up the gangplank, you'll get it. If you tell them to ignore sick people, you'll get it. If you tell them to ignore the poor, you'll get it. If you tell them to victimize young children, you'll get it.

Be careful what you ask for, because they're listening for you. And ask for the right things. Ask for the truth. Ask for the real solutions to the real problems. I learned that. I won't forget it. Thank you for your patience.

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR THE 104TH CONGRESS

Mr. PRESSLER. Mr. President, pursuant to the requirements of rule XXVI of the Standing Rules of the Senate, I herewith submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Commerce, Science, and Transportation. These rules were adopted by the committee January 12, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION¹

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he or she may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial

information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Ten members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States

and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment No. 11, beginning on page 25, line 11, pertaining to committee jurisdiction.

Gorton amendment No. 31 (to committee amendment No. 11) to prohibit the approval of certification of certain national history standards proposed by the National Center for History in Schools.

Levin/Kempthorne/Glenn amendment No. 143, to provide for the infeasibility of the Congressional Budget Office making a cost estimate for Federal intergovernmental mandates.

Bumpers amendment No. 144 (to amendment No. 31) to authorize collection of certain State and local taxes with respect to the sale, delivery and use of tangible personal property.

The PRESIDING OFFICER. Under the previous order, there shall now be 30 minutes for debate to be equally divided between the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from West Virginia [Mr. BYRD].

Who yields time?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield time to the assistant majority leader.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Idaho for yielding this time to me. I want to again commend him for the work he has been doing on this very important piece of legislation and for the patience and diligence he has exhibited over the past several days as we have crawled toward final passage of this unfunded mandates legislation.

We have now spent 5 very full days discussing procedures and unrelated matters on this very important legislation. That is the way the Senate works. It is a very deliberative body, and that is the way it has been historically.

I do want to urge my colleagues this morning to allow us to move forward, to debate seriously this very important legislation and to start dealing with germane amendments—amendments that really do relate to the substance of this bill.

A lot of charges have been made that this legislation was being moved too quickly. This obviously is not the case. The distinguished majority leader has exercised a lot of patience and has allowed all the time that Members could

¹ Adopted by the Committee January 12, 1995.

possibly want to bring up amendments, even unrelated amendments, and debate them at great length. We have spent 5 entire days, and, yet, we are only beginning to discuss the serious parts of the pending bill. This pace certainly could not be considered rushing the bill through to judgment.

Further, this legislation is not a new concept. Senator KEMPTHORNE, Senator ROTH, Senator GLENN, and others, have been working on this legislation for 2 years. Senator KEMPTHORNE has personally worked with our Nation's Governors, mayors, and local legislators, as well as the White House, to craft a bill that would accommodate all concerns. So the document before us represents a carefully drafted and extensively researched and debated piece of legislation.

It has been charged that we did not have a report on time when it was brought to the floor. But now the reports are available. Members have had time to study these reports: Thursday, Friday, Saturday, Sunday, Monday, Tuesday, and Wednesday. So certainly there has been time now to read and reread the reports and to study the bill.

I think it is time we begin to move forward toward final passage of this very important legislation.

I hope that there will be a vote in support of the cloture motion today so we can get to the consideration of germane amendments. Members would not be prohibited from offering the amendments they have filed. There will be plenty of time for extended debate on those amendments, and then we could get to the point where we can finally consider final passage.

One of the things I suggest to our colleagues today is to call home. Check with your Governors, your county commissioners, your mayors, your small business men and women. Ask them what they think about the unfunded Federal mandates they have been dealing with. Ask them how much it has been costing. Ask them about the harm unfunded mandates have done—the tax burdens, the delays and the numerous other problems these unfunded mandates have inflicted upon counties, cities, States, and businesses.

The Washington Post reported today that 74.2 percent of State municipal leagues cited unfunded mandates as the most vexing issue local government faces, in a survey released by the National League of Cities. Numerous government and business organizations have endorsed unfunded mandates legislation, including the National Governors Association, the U.S. Conference of Mayors, the National Association of Counties, the National Federation of Independent Businesses, the National Conference of State Legislatures, the National School Board Association, and the U.S. Chamber of Commerce.

These groups represent the men and women across this country who are on the front lines, at the State and local level, fighting to do their jobs. They

are urging Congress to examine more carefully the mandates that we place upon them. This legislation just establishes a process so we can seriously consider what we should do with these unfunded mandates and a way we can block them if they are not going to be properly funded.

The American people are asking us to move this much needed legislation. My prediction is that we will get to final passage of this legislation sometime, if not later this week, next week. But why must we delay the serious consideration of important and germane amendments to this legislation? Especially when we all know this bill will pass with overwhelming bipartisan support. Even President Clinton has called for enactment of unfunded mandates reform legislation.

So I just thank the Senator for yielding me this time. I urge my colleagues to vote for this cloture motion and allow us to move forward toward completion of this important legislation.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate greatly the comments of the assistant majority leader. How much time is remaining on our side?

The PRESIDING OFFICER. Eleven minutes.

Mr. KEMPTHORNE. Mr. President, I yield myself 7 minutes.

The vote Senators will cast today reflects their determination to establish a new partnership with our State and local and tribal governments and a better working relationship with the private sector. Mayors and county commissioners, Governors and school board officials and the private sector understand the significance of this vote.

This vote is the first test of Senators' commitment to reform Washington's dominance of State and local government. For too long Congress has been far too willing to merely pass the bill and then pass the buck to the States and localities, but the ultimate billpayer is the same weary American taxpayer.

This is a cloture vote on S. 1. S. 1 is nothing but a process to address a rational commonsense way to the long overdue problem of unfunded mandates. What this vote means is that Senators are willing to start voting on key issues related to this legislation. We will get on with the business of 30 hours of debate, debate on amendments that are germane to S. 1, debate on the specifics of the bill, debate, if you will, on what S. 1 is all about, which is unfunded Federal mandates.

Yesterday, Mr. President, as you know, we discussed for a number of hours education standards and abortion clinic violence—very important issues. But S. 1 is simply about unfunded mandates, and it is time to focus our attention on this very important issue.

S. 1 has two simple concepts: First, the National Government should know and pay the costs of mandates before imposing them on State and local governments.

Second, the National Government should know the costs and the impacts of mandates before imposing them on the private sector.

I support the decision of majority leader, BOB DOLE, to have this cloture vote. Senators on the other side, as has been pointed out, say that Republicans are rushing this bill; that we are moving too quickly; that we have not had a full debate; that there are serious issues to resolve. But Governors, mayors, and county commissioners believe the opposite is true. They say Congress has taken too much time and mandated and forced them to raise local taxes and cut local services and raise property taxes too much. I agree. I know from personal experience as a former mayor what unfunded mandates do. Federal mandates divert scarce local resources to Federal priorities, not local priorities. Mandates raise property taxes.

Ben Nelson, a successful Democrat Governor of Nebraska, I think summed it very well when he said:

I was elected Governor, not administrator of Federal programs for Nebraska.

I also know from personal experience as a Senator the difficulty of passing reform legislation. I know the months spent last year trying to craft a bipartisan bill and then to see the delays that kept last year's bill from coming to the Senate floor, the effect that non-germane amendments had in preventing that bill from coming to the floor and being voted on.

I know the efforts I extended to seek what ought to be routine Senate approval of committee amendments, many offered by Democrats, that were all adopted unanimously by the committees. But as late as last night, we could not get agreement to adopt the remaining committee amendments.

I know the Senators I have talked with this week encouraging them to bring their amendments to the floor so that we can debate them so that we can vote on them. But I know there are many side issues that have been at play and situations. These are important issues all on their own, but debating those issues only slows down the effort to put in place a process to identify the costs of mandates and have Congress pay for them.

So it is time to move ahead and to focus debate on S. 1, a dynamic and fundamental change in the process of reestablishing a working partnership with our States and localities. S. 1 is bipartisan legislation. S. 1 is supported in this body and in the House of Representatives. S. 1 is supported throughout the Nation. The adoption of S. 1 can serve as a launching pad for other bipartisan legislation in this Congress and, therefore, Mr. President, I urge Senators to vote for cloture on S. 1.

I yield back the remainder of my time to our side.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time remains on the debate prior to the vote?

The PRESIDING OFFICER. The Senator from West Virginia has 15 minutes.

Mr. BYRD. And the other side has?

The PRESIDING OFFICER. It has 6 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, first let me compliment the managers of the bill on both sides, each manager, both managers. They have been very courteous, very understanding, and I have been impressed by those managers.

This cloture vote, may I say to my friends on both sides, is nothing but a blatant attempt to shut the minority out of the chance to amend this legislation. That is right, I say to the Senator from New Mexico. Just as there was an attempt to shut the minority out of offering their views in both the Budget Committee and the Governmental Affairs Committee, now we see the same tactics employed on the Senate floor.

There is a supreme arrogance about operating in this manner. We are being told by the majority: Do it our way or it will not be done at all.

This is a massive, complicated bill. There are major questions about its impact on the private sector, about its impact on the consideration of future legislation in terms of points of order, its possible cost, the ability of the Congressional Budget Office to make the required estimates, constitutional questions, and agency bureaucrats making decisions that elected officials ought to be making.

The people need to hear these things debated, and we Senators have a responsibility to make sure that this legislation is understood, not only by the American people but also by ourselves. How can we serve the people if we give up our right to debate and amend? We came here to represent our constituents. How does one serve those constituents if one simply acts like a doormat, if the minority acts like a collective doormat when it comes to the thorough consideration of legislation?

I for one cannot be a party to this slam-dunk process. I may vote for the legislation in the final analysis. I do not have any doubt that it will pass overwhelmingly at some point when it is fully debated and we have had an opportunity to amend it. I do not have any doubts that it will pass, but there are problems with this bill and those problems need to be addressed. Blind justice may be fine, but blind legislation is dangerous. And with this type of rush, this rush agenda, make no mistake about it, we are flying blind.

I hear a lot of talk about the so-called Contract With America. Well,

apparently there is a lot of fine print in that contract that somebody around here does not want to read. They want to rush it through. Do not read the fine print. The American people need to know what is in that hard-to-read fine print, and the American people's elected representatives in the Senate and House need to know.

I wish to know a great deal more about this bill before I cast my vote on it. Let us put some sunshine into this process by allowing amendments and full debate on those amendments. Let us not pull down the blinds, slam the doors, and shut the American people out of the debate. They have had enough of the arrogance of power. They do not want any more of daddy knows best. That is the attitude from Washington, DC, the daddy-knows-best attitude. The American people do not want that.

When the minority is denied their right to question, to amend, to debate, then the American people are being denied their rights as well. I have stood for the rights of the minority heretofore, as Senators will know, when I was in the majority and when I was in the minority. And when the minority is denied that right to question, to debate, and to amend, then the American people are denied their rights as well. They are being denied their right to have important legislation thoroughly debated and debugged and made better.

That is all that we in the minority are asking. The Senate is the only place where that kind of careful consideration can occur, but the procedure of ramming legislation through the committees and through the Senate is the very antithesis of what the Framers and our earlier forebears in this Senate had in mind when they crafted the concept of a Senate with unlimited debate.

Mr. President, I reserve the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. And the Senator from Idaho has 6 minutes.

Mr. KEMPTHORNE. Mr. President, I yield 3 minutes to the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I wish to thank the Senator who is managing this bill for the outstanding job he has done. I once again commend him not only for the management but for his leadership.

Mr. President, I have great respect for the institution of the Senate. Perhaps at this point in time I have too much. Some people would say that I really like the Senate and I like what it does and how it operates. Well, I do. But I say to my good friend, Senator BYRD, if we are operating blind, it is not the fault of the majority. We have been on this for the fifth day. If we are still blind, somebody is causing us not to get to the issues.

I submit that the majority leader filed this petition because we have been sidetracked. If the last election meant anything—and I do not purport to be one who knows what it meant in great detail—I think it meant a few things, and I believe honestly it meant that the American people would like to see us get our job done and not to delay and dillydally around when we know we ought to do something.

Now, that is what the majority leader's petition for cloture is all about. I believe the issues raised by my good friend from West Virginia, which he just cited, are important issues. I submit they could have already been discussed.

Five days on the floor of the Senate, and I will not recap what we have done, but I believe it is time, No. 1, that we stop the plethora of amendments floating to the floor here. The staff and Senators are bringing them up in bushels. If we do not impose cloture, the 123 that we have will soon be 250. I would be surprised if very many of them, I say to my good friend, have anything to do with what the Senator states bothers him and should bother the American people. They are on all kinds of issues. I think our people, the mayors, the Governors, the county commissioners, and everyone they represent know that is undue delay, to just offer amendments on any subject under the sun on a clear-cut proposal that deserves debate.

How much debate? How many amendments? We are totally recognizing the minority rights. Some of us have been more times than not on the minority side. We are merely urging that we get on with the bill.

If the cloture does not pass, I hope we have sent a signal. And perhaps by the minority side's own analysis, maybe you have received a signal. Maybe you all want to get on with this bill. Maybe my friend from West Virginia is saying that when he says we deserve the right to tell the American people.

Do we deserve the right to tell the American people about small business and businesses that cannot collect sales tax because they are in some kind of catalog business? Do we deserve the right to have that debated on this bill? I think the Senate has the right to say we are not going to do that.

That is what this debate is about. Get to the point. Get your amendments if they are relevant. Come to the floor and let us get the questions answered. How much time do we need to get this bill analyzed and answered? We have already had enough. We ought to have cloture today. If we do not get it today, then we are going to get it pretty soon. And sooner or later, we are going to pass this bill by an overwhelming majority, and that point should be made. When that is the case, we are just causing delay because it is going to pass by a lot of votes.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, does this Senator control time?

The PRESIDING OFFICER. The Senator from West Virginia controls the time.

Mr. BYRD. Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think it was only about 100 days ago, as I recall, that we were on the floor and the shoe was on the other foot. We were trying desperately to get something through and there was a scorched-earth policy on the other side and everything that came up attracted amendments like flies to honey and so bogged things down with supernumbers of amendments and filibusters and we could not get anything through.

I submit this. The congressional coverage bill and the S. 939, which is this bill expanded a little bit, were ready for floor action. We could not get them out and get them taken up because there were authorization and appropriations bills that still had to be dealt with. So we put them over to this year.

What happened this year? Well, what happened in committee the other day was: We submit the bill in committee 1 day, we want markup the next day, and passage on the floor the next day. We tried in the committee to make amendments to the bill—good amendments, substantial amendments, genuine things we had concern about—and we were told no, we cannot have that. We will have a party-line vote—and we did. They came out as party-line votes on a number of amendments and we were told that, no, we will take those up on the floor. We will be able to take up any amendments on the floor.

What happens when we get to the floor? There is no report along with this. We tried to vote that in committee and get a report. We could not get it. Senator BYRD, to his credit, brought this up on the floor and insisted that we have it. That delayed this. It delayed things for quite some time.

We have not been the only ones delaying things. I submit the amendment of Senator GORTON yesterday afternoon took up about, what, 3, 3½ hours, I believe. So that was on the other side of the aisle, as far as the delay goes.

When we came out on the floor, then I—I am a sponsor of this bill. I am part coauthor of this bill. Parts of it, S. 993, we worked on last year. So I am a proponent of this. I want to see this get through. But when we say we are going to put things on such a fast track that all the rules are going to be set aside and we are somehow going to just bring this out on the floor and we will all agree to it, we cannot accept that over here. I think due process on something that is changing—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I yield the Senator 1 more minute.

Mr. GLENN. When we have something as important as this bill, which I think is truly landmark legislation—this starts defining the new relationship that is going to exist from here on, as opposed to what has existed since the days of Franklin Roosevelt and the Federal programs that came in when local communities and States could not take care of their own problems. That set of rules and that set of legislation that has gone through all these years now is going to be reversed.

Will the States pick this up? Will they pick up the responsibilities they either did not or could not assume at this time? I think we have to see on that. But this is the first piece of legislation that really starts defining that new relationship, and as such it is going to be effective for a long, long time. I think to hustle it through because somebody set an artificial 100-day limit or whatever it is, I think just is not realistic.

I hope we will not vote cloture so we can consider this bill and make it as good as we possibly can. It is going to be around for a long time, affecting Federal-State relationships for a long period of time.

I thank my friend from West Virginia for yielding time.

The PRESIDING OFFICER. Who yields time? Who yields time?

The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield 1 minute to the chairman of the Governmental Affairs Committee.

Mr. ROTH. Mr. President, as chairman of the Governmental Affairs Committee I want to urge my colleagues to support the cloture motion. I cannot emphasize too much how critically important this legislation is. What the American people want is action and not merely talk.

Let me point out, as far as this piece of legislation was concerned last year, 993 was not held up by the then-minority side. It was a fact that amendments were offered from the majority side, amendments that were not relevant to the legislation before us that prevented consideration of this bill. In fact, the then-minority sought unanimous consent that this legislation be considered without amendment, but that proved impossible because of the action on the other side.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. KEMPTHORNE. Mr. President, I yield another 30 seconds.

Mr. ROTH. But, as I was saying, the important thing is for us to move ahead. The public, I might say every level of State and local government, have supported this legislation and have asked that we enact this legislation as quickly as possible, without major change. This is true of the Governors' Association, the legislatures, the mayors, the county commissioners.

Mr. President, I urge we act on this legislation and for that reason I hope cloture is voted in the immediate future.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BYRD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, Senate rules do not require that amendments be germane except under rule XVI dealing with appropriations bills. We are hearing all this hue and cry the last day or so that some of the amendments are not germane. I hope Senators will continue to offer amendments that they feel will improve the bill, remembering that amendments that were not germane have been offered many times by those now in the majority when they were in the minority. There is no Senate rule against nongermane amendments, except under cloture, under rule XVI, and when barred by unanimous consent.

Mr. President, I have no doubt we will see a solid party-line vote on my right. Our Republican friends are going to vote solidly. If minority rights mean anything in this body, I hope that the minority will stand up for its rights. We are in the minority and the American people—talk about what the American people want—the American people want to know what is in this bill. They also want their Senators to know what is in the bill. They want their Senators to take the time to understand it.

We are not up against a fiscal year deadline or an adjournment sine die or a deadline that the debt limit has to be raised. This is not an emergency bill. It does not provide moneys for earthquakes or other disasters. This is a bill that is up here on the 19th of January and we have all this rush to go to immediate judgment.

What is in the bill that the majority is afraid of? Why not put it under the microscope? Why not give it the strongest scrutiny? That is what we owe to the American people. We also owe it to ourselves.

So, Mr. President, I am not concerned about a Contract With America. Here in my hand is my contract, the Constitution of the United States. And I have some constitutional questions about this legislation.

Our forebears in this Senate did away with "the previous question." They have provided for us, since the year 1806, no "previous question" in the rules, no immediate shutting off of debate.

We have the cloture rule and we are given an opportunity to shut off debate. I hope we will not shut off debate on this measure until we can have some votes on amendments that the minority feels are important. We have that right and we ought to demand it.

I know that my good friend on the other side—

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. BYRD. I will take 1 more minute.

I know the majority leader on the other side, BOB DOLE—he is my good friend. I am fond of him. But he probably thinks we are going to fall apart here in the minority. We have a duty to stand up for the rights of the minority and the rights of the American people to understand what is in this legislation before we buy into it.

I hope every Member of the minority will show some guts and stand up for the people's right to know. That is what this is all about. What is all the rush? We have plenty of time.

It is only the 19th of January. Let us take the time to understand what we are voting on.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia has 37 seconds and the Senator from Idaho has 27 seconds.

Mr. KEMPTHORNE. Mr. President, in summation, may I just say that this vote on cloture does not close off debate. It says we will now have 30 hours of debate but the amendments will pertain specifically to the legislation before us. That is what the American people would like. They would like us to deal with unfunded Federal mandates. Our partners are in the public and private sector. There would be 30 hours of debate on amendments specific to S. 1. That is what the American people are asking for. We are prepared to deliver.

I yield the remainder of my time.

Mr. BYRD. Mr. President, this bill does not even take effect until next January. Why can't we take a few more days here and have a closer look at this legislation that is included in the so-called "Contract With America?" I may favor the final bill. It does not take effect until January. We have plenty of time, and if the minority has any spine, any steel in their spine, and fire in their bellies, they will stand up against this effort to stampede and run over the minority. It was done in the committees. It is being tried on the floor. Now is the time, Mr. President, for the minority to take a stand on behalf of the people's right to know.

I thank all Senators.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the question is on agreeing to the amendment of the Senator from Michigan, amendment No. 143. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—99

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Kassebaum	Shelby
Coverdell	Kempthorne	Simon
Craig	Kennedy	Simpson
D'Amato	Kerrey	Smith
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone

NOT VOTING—1

Johnston

So the amendment (No. 143) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Democratic leader.

Mr. DASCHLE. What is the pending order of business?

The PRESIDING OFFICER. Under the previous order, we would go into the cloture vote.

Mr. LEAHY. May we have order, Mr. President, so the Democratic leader can be heard?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. DASCHLE. Mr. President, I would like to use a couple of minutes of my time, if I could, to talk about the pending vote.

Mr. DOLE. Mr. President, may we have order, so the distinguished leader can be heard?

The PRESIDING OFFICER. Senators will take their seats.

The Senate is still not in order.

The Democratic leader.

Mr. DASCHLE. I thank the Chair.

Mr. President, I will not delay the vote very long, but I want to make a couple of points, if I may.

The vote that we are about to cast is not a vote on the bill, nor is it a vote on a filibuster. There is no filibuster occurring at this time. In fact, many of us on this side of the aisle support the intent of this legislation and very much want to work with our colleagues on the other side in an effort to achieve

a resolution to this bill at some point in the not too distant future.

There essentially are two issues that relate directly to upcoming vote. The first issue relates to the process of considering this bill.

There appears to be a rush on the part of the Republicans to pass this legislation. It was rushed through committee. Amendments offered by Democrats were defeated on a party-line vote. We were told in committee, both in the Budget Committee as well as in the Committee on Governmental Affairs, that we would have the opportunity, ample opportunity, to consider amendments here on the floor. And thus the bill was rushed through two committees in the course of a few days.

The bill was then rushed to the floor. Despite objections by our Democratic colleagues, the decision was made by the Republicans not to file committee reports. Ultimately, reports were filed after the fact, once the bill had been brought to the floor. Now, we are about to vote on cloture, having only disposed of three Democratic amendments.

And, I might say, those amendments were agreed to overwhelmingly. I do not know that there was a negative vote on any of the amendments that were offered on our side. There was one nongermane Republican amendment on which we spent more time than all of the three Democratic amendments put together.

Yesterday, I offered to the distinguished majority leader a list of specific amendments, a finite list of amendments, that we would like to have considered. We discussed the possibility of considering his list and our list. Despite our efforts to reach an agreement, and, as is his right, he chose to go forward with the cloture petition we are voting on today.

The problem is simple. If cloture is invoked today, there are many Democratic amendments, relevant amendments, amendments that ought to be considered, amendments that in good faith we have offered in committee and again now on the floor, that we will not be allowed to offer. I am very concerned about that.

Under this bill, as it exists, future legislation designed to protect people from age discrimination could be held up by the procedures established by this bill. We have had assurances from the other side that they would like to correct this. Yet the distinguished Senator from Michigan has tried now on several occasions to correct it, to no avail.

The distinguished Senator from Ohio, the ranking member, would like to offer a substitute. If cloture is invoked today, he will not even be allowed to offer a substitute—a bill that is very similar, if not identical, to the bill that was passed on the floor last year.

If cloture is invoked, we will not have the right to offer relevant amendments that, in some cases, may not be germane to the bill. We do not know.

As every Senator knows, there is a difference between relevancy and germaneness. There are a number of relevant amendments that will be precluded from consideration by the Senate if cloture is invoked. That is the first issue.

The second issue is a much larger one. The second issue relates to something our Republican colleagues certainly appreciate, and that is the rights of the minority—the right to be heard, the right to offer amendments, the right for them to be considered as we raise these issues one by one on the Senate floor. That issue is at stake here today.

All we want is an opportunity to be heard and for our amendments to be considered in a meaningful way. That is all we are asking.

Again, let me reiterate, this is not a filibuster. Ultimately, I hope that on a bipartisan basis, we will have a vote on this bill. I hope our colleagues on the other side of the aisle will take into account our sincere intention to proceed ultimately to a vote on this bill, vote "no" on the cloture motion, and allow us to offer our amendments.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Was leaders' time reserved?

The PRESIDING OFFICER. It was.

Mr. DOLE. Mr. President, I appreciate what the distinguished Democratic leader has had to say. It may not be intended to be a filibuster, but this is their fifth day. We spent 5 days on the bill before that that took the House 1 hour and 20 minutes to pass on congressional coverage. That was not intended to be a slowdown either, but we had all these amendments.

The next amendment is not germane. It has to do with catalogs; nothing to do with unfunded mandates. It has nothing to do with this bill, but we will spend probably 2 or 3 hours on that.

We spent about 4 hours yesterday on violence at abortion clinics. Nobody quarrels with that, but it has nothing to do with this bill. We spent most of the afternoon either in recess or negotiating what to do with that amendment. It was not germane, not even relevant to this bill.

I am a very patient person. Of course, you have to be a little patient in the Senate, because there are certain things you cannot do. You cannot just say, "Well, that's it. It's over. Move on to something else."

We have a letter signed by a number of Governors supporting the cloture motion today. They know what is happening. The American people know what is happening.

We are on the 11th committee amendment. Generally, it is routine to adopt all the committee amendments. We are on No. 11. We have had votes of 99 to zero, 98 to 1, wasting time with votes of this kind on amendments that ought to be accepted. Anything to take up time. Anything to delay this process. A bill

that everybody supported on that side of the aisle last year suddenly has become very controversial because we have had a change of management, apparently.

But I notice that Governor Dean from Vermont, Governor Thompson, and Governor Nelson of Nebraska all suggest that we ought to move ahead with this bill and support the vote on cloture.

Mr. President, I ask unanimous consent that that letter be made part of the RECORD. It is signed by at least 20-some Governors in both parties.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL CONFERENCE OF STATE LEGISLATURES, INTERNATIONAL CITY MANAGEMENT ASSOCIATION, NATIONAL GOVERNORS' ASSOCIATION, NATIONAL LEAGUE OF CITIES,

January 18, 1995.

To Senators Not Cosponsoring S. 1, The Unfunded Mandate Reform Act of 1995:

We are writing to urge your support for S. 1, legislation that will relieve state and local governments from the burdens of future unfunded federal mandates. As you know, the bill is pending on the Senate floor. The first few days of consideration have been plagued by parliamentary delaying tactics and ongoing, unlimited debate. To expedite action on pending amendments and final passage of S. 1, Senate Majority Leader Bob Dole filed a motion to invoke cloture on January 17 and a vote is expected on January 19.

As the elected leaders of State and local governments, we strongly urge your support for the Senate Majority Leader's motion to invoke cloture to allow Members to proceed with consideration of amendments and final passage of S. 1, Senator Dirk Kempthorne's mandate relief bill.

Again, thank you for your support. The collective members of our organizations stand ready to assist you in any way we can to ensure the immediate passage of this important legislation.

Sincerely,

Howard Dean, M.D., Governor of Vermont; Chairman, National Governors' Association.

Tommy G. Thompson, Governor of Wisconsin; Vice Chairman, National Governors' Association.

George V. Voinovich, Governor of Ohio; Co-Lead Governor for Federalism, National Governors' Association.

E. Benjamin Nelson, Governor of Nebraska; Co-Lead Governor for Federalism, National Governors' Association.

Victor Ashe, Mayor of Knoxville, Tennessee; President, U.S. Conference of Mayors.

Norman B. Rice, Mayor of Seattle, Washington; Vice President, U.S. Conference of Mayors.

Richard M. Daley, Mayor of Chicago, Illinois; Chair, Advisory Board, U.S. Conference of Mayors.

Jane L. Campbell, Assistant Minority Leader, Ohio House of Representatives; President, National Conference of State Legislatures.

James J. Lack, Senator, New York State Senate, President-Elect, National Conference of State Legislatures.

Michael E. Box, Representative, Alabama House of Representatives; Vice President, National Conference of State Legislatures.

Carolyn Long Banks, Councilwoman-at-large, Atlanta, Georgia; President, National League of Cities.

Gregory Lashutka, Mayor of Columbus, Ohio; First Vice President, National League of Cities.

Sharpe James, Mayor of Newark, New Jersey; Immediate Past President, National League of Cities.

Randall Franke, Commissioner of Marion County, Oregon; President, National Association of Counties.

Doug Bovin, Commissioner of Delta County, Michigan; First Vice President, National Association of Counties.

Michael Hightower, Commissioner of Fulton County, Georgia; Second Vice President, National Association of Counties.

Carl S. Nollenberger, Chief Administrative Officer, Duluth, Minnesota; President, International City and County Management Association.

Mr. DOLE. Now, I assume that if it is a party-line vote, we will not get cloture. Maybe not today; maybe not tomorrow; maybe not Saturday. I do not know when we will get cloture.

If the other side of the aisle, the minority, is sincere about amendments, why not give Members a list? We were negotiating yesterday about 38 amendments. We got a list last night of 78 amendments. We thought we were going to cut them down. We doubled it, and added two for good measure. There are 117 amendments filed at the desk, and there has been cloture invoked.

We can do trimming on this side, too; we have too many amendments, 30. That is a total of 108 amendments. The way we are grinding along, we would not finish this bill before the Easter recess, or there would not be any Easter recess. Nobody is in a hurry to pass this bill. They do not want to do it before the President gives a State of the Union message.

I say, Mr. President, we have been trying to be helpful on Mexico, and we have heard a lot of silence on the other side of the aisle. But Mexico comes up right after unfunded mandates, after it is completed, if it is a week from now or 2 weeks from now. That is up to the President of the United States and the Democrats in Congress. Maybe it is not important to anybody there. This is important to the President, and we have made a commitment to the President to try to be helpful.

However, it is fairly difficult for me to stand here as a Republican leader to try to help the President of the United States and the other party, when the other side in this Chamber has done everything they can to prevent a vote on unfunded mandates.

Call it what you will. I have learned a lot about delay. In fact, we taught a course in the last 2 years. We got A's, good grades. We stopped a lot of things. So I am not here to suggest we should not do it, because we have not used the rules, because we have. I have learned—I forget most of it—but everything I learned, I learned from my friend from West Virginia, Senator BYRD. He knows more than all of us put together, which is dangerous, in a way.

I asked him for advice before I talked to him. Can I do this or can I do that? I do not want to be embarrassed, and I know he would not do that.

In any event, I just suggest as the Republican leader that I know that we want to accommodate our friends on the other side of the aisle. So if there is an effort to give Members a real list of relevant amendments, maybe we can do business. But do not give me a list of five amendments for this person, five for this person, everybody take five. We had 78. Give me a list of relevant amendments, relevant to this bill, and germane amendments. I bet they would not total over 15 or 20. We will do the same on our side of the aisle, and maybe by 2 or 3 p.m., we will have it down to 30 amendments. Then we might do business. But not with 100 or some.

We may never get cloture, but we will continue to try. Maybe the Governors and the mayors and the county commissioners and the taxpayers of America will understand, maybe not today, maybe not tomorrow, maybe not next week, but sooner or later, we need to pass this bill. There are not that many amendments. We will have every nongermane, nonrelevant amendment anybody has ever thought of. They are cleaning out their wastebaskets trying to find amendments.

We are prepared to do business. We urge our colleagues on both sides of the aisle to support this cloture motion. That will reduce the number of amendments drastically, but they would all be relevant. They would all be germane to this bill. They would be important amendments. We will probably spend an hour and a half or 2 hours on the catalog amendments. We spent an hour last night. It has nothing to do with this bill. So we are a little bit frustrated. The American people are frustrated.

We promised the American people we would listen to them, and we have not listened to them. We listened to everybody else. The American people want Members to pass this bill. The Governors, Democrats, Republicans, mayors, commissioners, you name it, want the Senate to pass this bill. We are not going to do it because the minority party says, "No, we don't want to do it." There is no hurry; we do not normally do work in January.

This is not a normal year. We are trying to deliver on the message the voters gave us last November, all of us on both sides of the aisle; not just Republicans.

However, if we are thwarted from our effort to deliver, they will not blame us. So we will stand here every day, at every opportunity, and tell the American people why we could not pass unfunded mandates. Two days would have been plenty for this bill; 2 days.

So I hope we will invoke cloture and move on to pass this bill, and then try to accommodate the President's wishes on Mexico, and following that, the balanced budget amendment.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Don Nickles, Connie Mack, Trent Lott, Thad Cochran, Alfonse D'Amato, Al Simpson, Strom Thurmond, Pete Domenici, Ted Stevens, Bill Cohen, Christopher S. Bond, Frank Murkowski, Jesse Helms, Spencer Abraham, Bob Smith, Larry E. Craig, Mike DeWine, and Bill Frist.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the bill, S. 1, the unfunded mandates bill, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Louisiana [Mr. JOHNSTON]. If he were present and voting, he would vote "no." If I were permitted to vote, I would vote "yea." I, therefore, withhold my vote.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Louisiana [Mr. JOHNSTON].

If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Rhode Island would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—54

Abraham	Faircloth	Lugar
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Bond	Gramm	McConnell
Brown	Grams	Murkowski
Burns	Grassley	Nickles
Campbell	Gregg	Packwood
Chafee	Hatch	Pressler
Coats	Hatfield	Roth
Cochran	Helms	Santorum
Cohen	Hutchison	Shelby
Coverdell	Inhofe	Simpson
Craig	Jeffords	Smith
D'Amato	Kassebaum	Snowe
DeWine	Kempthorne	
Dole	Kyl	
Domenici	Lott	

Specter
Stevens

Thomas
Thompson

Thurmond
Warner

NAYS—44

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	

NOT VOTING—1

Johnston

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, as an original cosponsor of S. 1, the Unfunded Mandate Reform Act, I rise in strong support of this legislation.

The unfunded mandate reform bill is not only important in its own right, but it is also important to ensure that the balanced budget amendment to the Constitution—an amendment which I believe will be approved by the Senate and House of Representatives in the coming weeks—will be implemented as the American people intend.

The ideal balanced budget amendment would do more than just require a balanced budget. It would, in my view, limit Federal spending as well as the ability of the Federal Government to impose unfunded mandates.

As the Washington Times editorialized recently, "the real problem," referring to the budget deficit, "is lawmakers' dipsomaniacal spending habits. This is what we must control, one way or another." The Times went on to note my balanced budget/spending limitation amendment Senate Joint Resolution 3, which includes an explicit spending limitation, saying, "this version has obvious appeal—it is simple and straightforward," and, as such, that "a spending limit may do the job better than a tax limit."

Mr. President, I would assert that a spending limit is more than just "simple and straightforward." Whether or not a spending limitation is included in the balanced budget amendment, the only way to comply with a balanced budget requirement will be to limit Federal spending.

Some will no doubt argue that tax increases must be part of the solution. But I believe that, if they were, the budget would be balanced by now. We have had record-setting tax increases in 1990 and 1993. The cold fact is, however, that tax increases do not work—